

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF:

ACTIVE AUTO DISMANTLERS, INC.
NONCOMPLIANCE WITH ORDER NO.
97-03-DWQ

)
) **COMPLAINT NO. R9-2006-0048**
) **FOR**
) **ADMINISTRATIVE CIVIL LIABILITY**
)

May 12, 2006

ACTIVE AUTO DISMANTLERS, INC. IS HEREBY GIVEN NOTICE THAT:

1. Active Auto Dismantlers, Inc. is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability under section 13385 of the California Water Code (CWC).
2. Active Auto Dismantlers, Inc. owns and operates an auto recycling facility located at 2812 Commercial Street, San Diego, California. On April 20, 1998 Active Auto Dismantlers, Inc. submitted a Notice of Intent for coverage under Order No. 97-03, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated With Industrial Activities Excluding Construction Activities (General Permit).
3. Order No. 97-03-DWQ requires the submittal of an annual monitoring report by July 1 of each year. Enrolled facilities are required to sample storm water runoff during two sampling events per year, if not enrolled in an approved group monitoring plan, or twice every five years for group members.

ALLEGATIONS

4. Active Auto Dismantlers, Inc. failed to submit the Fiscal Year (FY) 2003/04 annual monitoring report in violation of Monitoring and Reporting Requirement Section B.14 of Order No. 97-03-DWQ.
5. Active Auto Dismantlers, Inc. submitted an inaccurate, incomplete, and misleading FY 2004/05 annual monitoring report in violation of Monitoring and Reporting Requirement Section B.5.a. of Order No. 97-03-DWQ by failing to provide results of two stormwater samples collected during the reporting period.

MAXIMUM LIABILITY


6. Pursuant to CWC § 13385, the maximum liability for the violation described in paragraph No. 4 above is \$10,000 per day of violation. Because the violation involved an annual monitoring report, the violation occurred for 365 days, or until the next annual monitoring report is due on July 1, 2005. As a result, the maximum liability for this violation is three million six hundred fifty thousand dollars (\$3,650,000).
7. Pursuant to CWC § 13385, the maximum liability for the violation described in paragraph No. 5 above is \$10,000 per day of violation. Failure to collect two samples is considered two violations. Therefore, the violation occurred for two days resulting in a maximum liability for this violation is twenty thousand dollars (\$20,000).

PROPOSED CIVIL LIABILITY

8. Based on consideration of the factors listed in CWC §13385, it is recommended the Regional Board impose civil liability on Active Auto Dismantlers, Inc. as follows:
 - a. \$1,000 for the violation described in paragraph No. 4;
 - b. \$2,000 for the violation described in paragraph No. 5.

It is recommended that the Regional Board impose a total liability of three thousand dollars (\$3,000) for the above violations.

Dated this twelfth day of May 2006.


JOHN H. ROBERTUS
Executive Officer